

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

**EIGHTIETH LEGISLATIVE DAY
WEDNESDAY, MARCH 30, 2005**

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Brandt, Burtenshaw, Cameron, Langhorst, Little, Pearce, Schroeder, Stegner, Stennett, Sweet, and Williams, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Alyssa Welch, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 29, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SP 101

BY STATE AFFAIRS COMMITTEE

A PROCLAMATION

COMMENDING BOB FICK UPON LEAVING THE ASSOCIATED PRESS.

We, the members of the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby proclaim:

WHEREAS, Bob Fick was born in Jefferson City, Missouri, and is a St. Louis Cardinals and Missouri Tigers fan through and through; and

WHEREAS, Bob Fick graduated from the University of Missouri in 1970 and then went to work for The Journal in Flint, Michigan, until the end of 1972, during which time he took a thirteen month all expenses paid vacation to lounge in that exotic vacation spot South Vietnam; and

WHEREAS, Mr. Fick started for the Associated Press in St. Louis on December 26, 1972, the day Harry Truman died in Kansas City, and moved to cover the Missouri Statehouse in Jefferson City in March, 1974; and

WHEREAS, Mr. Fick moved to Washington D.C. in 1979 to cover Congress and then moved to Boise in 1983, the Mount Borah earthquake occurring about ten days earlier, a harbinger of things to come; and

WHEREAS, Bob Fick came to Idaho on city election day in November, 1983, and began covering the Idaho Senate the next year and initiated the ugly tie tradition in 1985, not that it ever worked that well; and

WHEREAS, when Bob started, the Associated Press office was on the fourth floor, where the House Chairmen's Suite is currently located, and in 1985 the Associated Press was moved to the basement where Bob was without daylight from then on; and

WHEREAS, during his twenty-one years covering the Legislature, Bob saw right to work, Symms beat Evans, Andrus beat Leroy, the start of the nuclear waste battle in October, 1988, the Continental Airlines crash, the 1990 abortion battle, the momentary rise of the Democrats, Ruby Ridge, the return of Republicans with Phil Batt, the nuclear waste deal, property taxes, forest fires, tax increases and tax cuts; and

WHEREAS, Mr. Fick quite sickly thought this was entertaining.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the Senate assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, that we wish to honor and commend Bob Fick on his leaving the Associated Press as a fair and honest reporter, a fellow with a good sense of humor, a person of great intellect in budget and tax issues, and someone that the Associated Press will be hard "pressed" to replace.

BE IT FURTHER RESOLVED that we would state that the Associated Press' loss is the State of Idaho's gain as Mr. Fick is now an employee of the Department of Commerce and Labor.

SP 101 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 30, 2005

The JUDICIARY AND RULES Committee reports that **S 1236**, **S 1237**, and **S 1238** have been correctly printed.

DARRINGTON, Chairman

S 1236, **S 1237**, and **S 1238** were referred to the Finance Committee.

March 29, 2005

The JUDICIARY AND RULES Committee reports that **S 1086**, as amended, **S 1104**, **S 1160**, **S 1163**, as amended, **S 1180**,

S 1189, S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, S 1216, S 1224, and S 1225 have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1086**, as amended, **S 1104, S 1160, S 1163**, as amended, **S 1180, S 1189, S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, S 1216, S 1224, and S 1225** and ordered them transmitted to the House for the signature of the Speaker.

March 30, 2005

The JUDICIARY AND RULES Committee reports that **S 1179**, as amended in the House, has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1179**, as amended in the House, and ordered it transmitted to the House for the signature of the Speaker.

March 29, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1074**, as amended, **S 1165, S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, S 1208, and S 1209** were delivered to the Office of the Governor at 10:55 a.m., March 29, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 30, 2005

The FINANCE Committee reports out **S 1236, S 1237, and S 1238** with the recommendation that they do pass.

CAMERON, Chairman

S 1236, S 1237, and S 1238 were filed for second reading.

March 29, 2005

The FINANCE Committee reports out **H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, and H 385** with the recommendation that they do pass.

CAMERON, Chairman

H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, and H 385 were filed for second reading.

March 30, 2005

The STATE AFFAIRS Committee reports out **H 350, H 365, S 1226, HCR 26, and H 376** with the recommendation that they do pass.

BURTENSHAW, Chairman

H 350, H 365, S 1226, and H 376 were filed for second reading.

HCR 26 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 30, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 386** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 386** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 25, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1065, S 1100

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 28, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1034, S 1035, S 1036, as amended, **S 1061, S 1076**, as amended, **S 1080, S 1092, S 1099, S 1119, S 1129, S 1135, S 1153, S 1169, S 1182, S 1184, S 1193, S 1194, S 1195**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 30, 2005

March 29, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1011, S 1127, S 1130, as amended, **S 1131**,
S 1142, as amended in the House, **S 1187**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Stegner was recorded present at this order of business.

March 29, 2005

Mr. President:

I transmit herewith **S 1230, S 1217**, and **S 1196** which have passed the House.

JUKER, Chief Clerk

S 1230, S 1217, and **S 1196** were referred to the Judiciary and Rules Committee for enrolling.

March 29, 2005

Mr. President:

I transmit herewith Enrolled **H 352, H 355, H 356, H 357, H 358, H 359, H 360, HJM 7, HJM 9, H 322, H 337, H 324**, and **H 127**, as amended, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 352, H 355, H 356, H 357, H 358, H 359, H 360, HJM 7, HJM 9, H 322, H 337, H 324**, and **H 127**, as amended, and ordered them returned to the House.

Mr. President:

I return herewith Enrolled **S 1174, S 1221, S 1222**, and **S 1223** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1174, S 1221, S 1222**, and **S 1223** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Cameron, Little, Pearce, Stennett, and Sweet were recorded present at this order of business.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Estella Zamora was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McGee, seconded by Senator Malepeai, the Gubernatorial appointment of Estella Zamora as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senators Brandt, Burtenshaw, Schroeder, and Williams were recorded present at this order of business.

The President announced that **HJM 8** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Richardson, seconded by Senator Malepeai, **HJM 8** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

On request by Senator Burtenshaw, granted by unanimous consent, **HJM 5** was recommitted to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1235, by Finance Committee, was read the second time at length and filed for third reading.

H 325, by Ways and Means Committee, was read the second time at length and filed for third reading.

S 1062, as amended, as amended in the House, and **S 1164**, as amended, as amended in the House, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Langhorst was recorded present at this order of business.

On request by Senator McGee, granted by unanimous consent, **H 230**, having been held, retained its place on the Third Reading Calendar for March 31, 2005.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1235** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1235** was read the third time at length, section by section, and put upon its final passage.

S 1235 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1235** passed, title was approved, and the bill ordered transmitted to the House.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 1:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Goedde and Langhorst, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 325** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 325** was read the third time at length, section by section, and put upon its final passage.

Senators Goedde and Langhorst were recorded present at this order of business.

H 325 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 325** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1062**, as amended, as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1062**, as amended, as amended in the House, was read the third time at length, section by section, and put upon its final passage.

S 1062, as amended, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1062**, as amended, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1164**, as amended, as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1164**, as amended, as amended in the House, was read the third time at length, section by section, and put upon its final passage.

S 1164, as amended, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1164**, as amended, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 30, 2005

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Claude Storer to the Idaho Water Resource Board, term to expire January 1, 2009;

Leonard Beck to the Idaho Water Resource Board, term to expire January 1, 2009;

Terry T. Uhling to the Idaho Water Resource Board, term to expire January 1, 2009.

SCHROEDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 30, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **H 336**, as amended, **H 373**, as amended, **H 374**, as amended, and **H 394** with the recommendation that they do pass.

SCHROEDER, Chairman

H 336, as amended, **H 373**, as amended, **H 374**, as amended, and **H 394** were filed for second reading.

March 30, 2005

The JUDICIARY AND RULES Committee reports that **S 1196**, **S 1217**, and **S 1230** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1196**, **S 1217**, and **S 1230** and ordered them transmitted to the House for the signature of the Speaker.

March 30, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Tom Katsilometes to the Idaho State Tax Commission, term to expire March 8, 2011;

Severina "Sam" Haws to the Idaho State Tax Commission, term to expire April 1, 2011.

BUNDERSON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 30, 2005

Mr. President:

I transmit herewith **H 388**, **H 389**, **H 390**, and **H 393** which have passed the House.

JUKER, Chief Clerk

H 388, **H 389**, **H 390**, and **H 393** were filed for first reading.

March 30, 2005

Mr. President:

I return herewith **S 1192**, **S 1220**, **S 1228**, and **SCR 118** which have passed the House.

JUKER, Chief Clerk

S 1192, **S 1220**, **S 1228**, and **SCR 118** were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 388, H 389, H 390, and H 393, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1236** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1236** was read the second time by title and the third time at length, section by section, and put upon its final passage.

S 1236 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1236** passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1237** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1237** was read the second time by title and the third time at length, section by section, and put upon its final passage.

S 1237 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1237** passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1238** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1238** was read the second time by title and the third time at length, section by section, and put upon its final passage.

S 1238 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1238** passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 377** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 377** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 377 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 377** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 378** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 378** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 378 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 378** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 379** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 379** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 379 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 379** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 380** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 380** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 380 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 380** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 381** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 381** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 381 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 381** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 382** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be

read on three several days were dispensed with, this being a case of urgency, and **H 382** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 382 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 382** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 383** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 383** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 383 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 383** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 384** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 384** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 384 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 384** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 385** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 385** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 385 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 385** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 350** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 350** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 350 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 350** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 365** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 365** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 365 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Schroeder. Total - 1.

Total - 35.

Whereupon the President declared **H 365** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1226** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1226** was read the second time by title and the third time at length, section by section, and put upon its final passage.

S 1226 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Burkett, Coiner, Darrington, Kelly, Langhorst, Malepeai, Marley, Stegner, Stennett, Werk. Total - 11.

NAYS--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Compton, Corder, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Sweet, Williams. Total - 24.

Total - 35.

Whereupon the President declared that **S 1226** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 376** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 376** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 376 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 376** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 315**, **H 100**, as amended in the Senate, and **H 386** without recommendation, amended as follows:

SENATE AMENDMENT TO H 315

AMENDMENT TO SECTION 1

On page 3 of the printed bill, in line 47, delete "year" and insert: "two (2) years"; in line 48, following "sion" insert: "in the areas of: administrative and supervisory support, mentoring, peer assistance and professional development".

CORRECTION TO TITLE

On page 1, in line 4, delete "YEAR" and insert: "TWO YEARS".

**SENATE AMENDMENT TO THE
SENATE AMENDMENTS TO H 100**

AMENDMENT TO THE AMENDMENTS TO SECTION 1

On page 1 of the printed amendment, delete lines 2 through 8 and insert:

"On page 1 of the printed bill, delete lines 21 through 26 and insert: "ambulances and related equipment and pay salaries and benefits only if ambulance service is not provided within the district as provided in chapter 39, title 31, Idaho Code, or if a fire protection district enters into a joint exercise of powers agreement with a county, pursuant to the provisions of chapter 23, title 67, Idaho Code, to share equipment and services if a county is providing ambulance service pursuant to chapter 39, title 31, Idaho Code. The levy shall be made by resolution entered upon the minutes of".

AMENDMENT TO THE CORRECTION TO TITLE

On page 1, delete lines 11 through 15 and insert: "PROTECTION DISTRICT MAY PURCHASE AMBULANCES AND RELATED EQUIPMENT AND PAY SALARIES AND BENEFITS ONLY IF AMBULANCE SERVICE IS NOT PROVIDED WITHIN THE DISTRICT OR IF A FIRE PROTECTION DISTRICT ENTERS INTO A JOINT EXERCISE OF POWERS AGREEMENT WITH A COUNTY TO SHARE EQUIPMENT AND SERVICES IF A COUNTY IS PROVIDING AMBULANCE SERVICE; DECLARING AN EMERGENCY AND PROVIDING".

SENATE AMENDMENT TO H 386

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 11 through 42; delete pages 2 and 3 and insert:

"SECTION 1. That Section 63-2506, Idaho Code, be, and the same is hereby amended to read as follows:

63-2506. IMPOSITION OF TAX. (1) ~~From June 1, 2003, through June 30~~ On and after July 1, 2005, a tax upon the purchase, storage, use, consumption, handling, distribution or wholesale sale of cigarettes is hereby imposed at the rate of fifty-seven cents (57¢) per package of twenty (20) cigarettes, which tax shall be paid by the wholesaler, and collected by the state tax commission. 5.1746¢ of the tax collected per package of twenty (20) cigarettes shall be subject to appropriation to the public school income fund to be utilized to facilitate and provide substance abuse programs in the public school system. 5.1746¢ of the tax collected per package of twenty (20) cigarettes shall be subject to appropriation to the department of juvenile corrections for distribution to the counties to be utilized for county juvenile probation services.

(2) ~~On and after July 1, 2005, a tax upon the purchase, storage, use, consumption, handling, distribution or wholesale sale of cigarettes is hereby imposed at the rate of twenty-eight cents (28¢) per package of twenty (20) cigarettes, which tax shall be paid by the wholesaler, and collected by the state tax commission. Five cents (5¢) of the tax collected per package of twenty (20) cigarettes shall be subject to appropriation to the public school income fund to be utilized to facilitate and provide substance abuse programs in the public school system. Five cents (5¢) of the tax collected per~~

~~package of twenty (20) cigarettes shall be subject to appropriation to the department of juvenile corrections for distribution to the counties to be utilized for county juvenile probation services.~~

(3) Appropriated funds shall be distributed quarterly to the counties based upon the percentage the population of the county bears to the population of the state as a whole.

(4) The remaining moneys collected and those moneys not appropriated under the provisions of this section shall be distributed as specified in section 63-2520, Idaho Code.

SECTION 2. That Section 63-2509, Idaho Code, be, and the same is hereby amended to read as follows:

63-2509. COMPENSATION FOR AFFIXING STAMPS. ~~From June 1, 2003, through June 30, 2005, wholesalers shall be allowed as compensation for affixing stamps, two and sixty-one one hundredths percent (2.61%) of the face value of the stamps purchased by them.~~ On and after July 1, 2005, wholesalers shall be allowed as compensation for affixing stamps, ~~five~~ four percent (~~54~~%) of the face value of the stamps purchased by them.

SECTION 3. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) ~~From July 1, 2003, through June 30~~ On and after July 1, 2005, the balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) 17.3% of such balance shall be distributed to the permanent building ~~account~~ fund created by section 57-1108, Idaho Code.

(2) 0.4% of such balance shall be distributed to the central tumor registry account. The amount of money so distributed to the central tumor registry account shall not exceed the fiscal year's appropriation, and at such time as the appropriation has been distributed to the central tumor registry account during any fiscal year, all such distributions in excess of the appropriation shall be made instead to the general fund of the state of Idaho.

(3) 1% of such balance shall be distributed to the cancer control account created by section 57-1702, Idaho Code. Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:

(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;

(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general fund on July 1 and the state controller shall order such transfer.

(4) 21.25% of such balance shall be distributed to the general fund of the state of Idaho.

(5) All remaining moneys shall be distributed as follows: For the fiscal year commencing July 1, 2003~~5~~, and ending June 30, 2004~~6~~, \$23,500,000 shall be distributed to the general fund of the state of Idaho and the remainder all moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code. For fiscal years on and after July 1, 2006, all moneys shall be distributed to the permanent building fund with the moneys to be utilized for repair, remodeling and refurbishing of the state capitol building and for repair, remodeling and refurbishing of other buildings in the state capitol mall complex. For the fiscal year commencing July 1, 2004, and ending June 30, 2005, all remaining moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code. (c) On and after July 1, 2005, the balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) 43.3% of such balance shall be distributed to the permanent building fund created by section 57-1108, Idaho Code.

(2) 1% of such balance shall be distributed to the central tumor registry account. The amount of money so distributed to the central tumor registry account shall not exceed the fiscal year's appropriation, and at such time as the appropriation has been distributed to the central tumor registry account during any fiscal year, all such distributions in excess of the appropriation shall be made instead to the general fund of the state of Idaho.

(3) 2.5% of such balance shall be distributed to the cancer control account created by section 57-1702, Idaho Code. Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:

(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;

(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general fund on July 1 and the state controller shall order such transfer.

(4) All remaining moneys shall be distributed to the general fund of the state of Idaho."

CORRECTION TO TITLE

On page 1, delete lines 3 through 9 and insert: "THE RATE OF THE CIGARETTE TAX EFFECTIVE JULY 1, 2005, AND TO REVISE DISTRIBUTIONS; AMENDING SECTION 63-2509, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO COMPENSATION FOR AFFIXING STAMPS; AND AMENDING SECTION 63-2520, IDAHO CODE, TO REVISE THE DISTRIBUTION FORMULA FOR CERTAIN CIGARETTE TAX MONEYS."

The Committee also has **H 150**, **H 202**, **S 1172**, and **H 254**, as amended in the Senate, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

H 315, as amended in the Senate, **H 100**, as amended in the Senate, as amended in the Senate, and **H 386**, as amended in the Senate, were filed for first reading, as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 30, 2005

The JUDICIARY AND RULES Committee reports that **S 1062**, as amended, as amended in the House, **S 1164**, as amended, as amended in the House, **S 1192**, **S 1220**, **S 1228**, and **SCR 118** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1062**, as amended, as amended in the House, **S 1164**, as amended, as amended in the House, **S 1192**, **S 1220**, **S 1228**, and **SCR 118** and ordered them transmitted to the House for the signature of the Speaker.

March 30, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1174**, **S 1221**, **S 1222**, and **S 1223** were delivered to the Office of the Governor at 1:50 p.m., March 30, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 30, 2005

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 315**, **H 100**, as amended in the Senate, and **H 386** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 30, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **HJM 5** with the recommendation that it do pass.

SCHROEDER, Chairman

HJM 5 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 30, 2005

The STATE AFFAIRS Committee reports out **HCR 16**, **HCR 18**, **HCR 22**, **HCR 23**, and **HCR 25** with the recommendation that they do pass.

BURTENSHAW, Chairman

HCR 16, **HCR 18**, **HCR 22**, **HCR 23**, and **HCR 25** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 30, 2005

The JUDICIARY AND RULES Committee reports that **SP 101** has been correctly printed.

DARRINGTON, Chairman

SP 101 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 315**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 315**, as amended in the Senate, was read the first time by title, the second time by title, and the third time at length, section by section, and put upon its final passage.

H 315, as amended in the Senate, was read the first time by title, the second time by title, and the third time at length, section by section, and placed before the Senate for final consideration. Senators Goedde and Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 27.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Total - 35.

Whereupon the President declared **H 315**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 100**, as amended in the Senate, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 100**, as amended in the Senate, as amended in the Senate, was read the first time by title, the second time by title, and the third time at length, section by section, and put upon its final passage.

H 100, as amended in the Senate, as amended in the Senate, was read the first time by title, the second time by title, and the third time at length, section by section, and placed before the

Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 34.

NAYS--Stennett. Total - 1.

Total - 35.

Whereupon the President declared **H 100**, as amended in the Senate, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 386**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 386**, as amended in the Senate, was read the first time by title, the second time by title, and the third time at length, section by section, and put upon its final passage.

H 386, as amended in the Senate, was read the first time by title, the second time by title, and the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Stegner, Stennett, Werk, Williams. Total - 29.

NAYS--Andreason, Brandt, Burtenshaw, Richardson, Schroeder, Sweet. Total - 6.

Total - 35.

Whereupon the President declared **H 386**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6 p.m. until the hour of 9 a.m., Thursday, March 31, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary